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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,607	04/13/2001	Peter Dam Nielsen	042933/299121	3735
826 7590 02/23/2007 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER PILLAI, NAMITHA	
			ART UNIT 2173	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/833,607

Applicant(s)

NIELSEN ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received..

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges Applicant's submission on 12/5/06 including arguments against the current rejection. All pending claims have been rejected as being obvious over prior arts in the field of word processing. Text wrapping and customization of text flow in a word processing document is well known in the word processing field.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 31-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a non-functional descriptive material by claiming an "electromagnetic signal embodied in a carrier wave" without providing a proper functional and structural interrelationship.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6, 209, 009 B1 (Schwartz et al.), herein referred to as Schwartz.

Referring to claim 10, Schwartz discloses a mobile terminal with a browser display means where information elements are displayed on the display of the mobile terminal (column 1, lines 17-20). Schwartz even further discloses that information elements that are displayed include elements that are longer than the width of display screen of the mobile terminal. Schwartz does disclose continuous length items and wrapped length items displayed in a menu. Schwartz discloses how text is displayed as wrapped length and text is displayed in continuous text formats in a portable device. The text elements described in Schwartz include a continuous length item presenting text in a length, which is greater than a horizontal size of the display of the portable device. Schwartz also describes text that is of wrapped length, the text being less than the horizontal size of the display. See column 1, line 37 to column 2, line 12. Although Schwartz does not disclose providing display menu options for the user to choose one of continuous length item option or wrapped length item option, it would have been obvious for one skilled in the art, at the time of the invention to provide display options that are selectable for choosing continuous length item or wrapped length item option. Schwartz has clearly taught the two elements and options of displaying text data in a portable device, where Schwartz merely has not provided these taught elements as display options in a menu. With Schwartz disclosing the desired options, and the features related to how wrapped length text and continuous length text is displayed in a display of a portable device, providing these features in a menu as a menu option have been obvious.

Referring to claims 11 and 15, Schwartz discloses that the information displayed is alphanumerical signs (Figure 7).

Referring to claims 12, 16, 29 and 32, Schwartz discloses that the continuous length element is arranged to be horizontally displayed on the mobile terminal display, where the single line represents a horizontally displayed element (column 2, lines 8-11), where the line extending past the right margin of a display represents a horizontal element. Schwartz also discloses scrolling over the mobile terminal display to allow the user to view portions of the continuous length element that are not visible on the mobile terminal display due to continuous length element extending beyond a horizontal boundary of the mobile terminal display (column 2, lines 8-12).

Referring to claims 13, 17, 30 and 33, Schwartz discloses that the wrapped element is arranged to split the elements into parts, each of the parts fitting in the size of the display and to feed parts in a vertical direction over the display, each time a length of the wrapped length element is greater than a width of the display (Schwartz, Figures 1 and column 1, lines 40-44).

Referring to claim 14, Schwartz discloses a mobile phone terminal with a browser display means where information elements are displayed on the display of the mobile terminal (column 1, lines 17-25). Schwartz discloses a display for displaying the information (column 1, lines 15-17). Schwartz even further discloses that information elements that are displayed include elements that are longer than the width of display screen of the mobile terminal. Schwartz does disclose continuous length items and wrapped length items displayed in a menu. Schwartz discloses how text is displayed as

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wrapped length and text is displayed in continuous text formats in a portable device.

The text elements described in Schwartz include a continuous length item presenting text in a length, which is greater than a horizontal size of the display of the portable device. Schwartz also describes text that is of wrapped length, the text being less than the horizontal size of the display. See column 1, line 37 to column 2, line 12. Although Schwartz does not disclose providing display menu options for the user to choose one of continuous length item option or wrapped length item option, it would have been obvious for one skilled in the art, at the time of the invention to provide display options that are selectable for choosing continuous length item or wrapped length item option. Schwartz has clearly taught the two elements and options of displaying text data in a portable device, where Schwartz merely has not provided these taught elements as display options in a menu. With Schwartz disclosing the desired options, and the features related to how wrapped length text and continuous length text is displayed in a display of a portable device, providing these features in a menu as a menu option have been obvious.

Referring to claim 18, Schwartz discloses a mobile phone terminal for displaying information via a browser (column 1, lines 17-25). Schwartz discloses a display for displaying the information (column 1, lines 15-17). Schwartz even further discloses that information elements that are displayed include elements that are longer than the width of display screen of the mobile terminal. Schwartz does disclose continuous length items and wrapped length items displayed in a menu. Schwartz discloses how text is displayed as wrapped length and text is displayed in continuous text formats in a

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portable device. The text elements described in Schwartz include a continuous length item presenting text in a length, which is greater than a horizontal size of the display of the portable device. Schwartz also describes text that is of wrapped length, the text being less than the horizontal size of the display. See column 1, line 37 to column 2, line 12. Although Schwartz does not disclose providing display menu options for the user to choose one of continuous length item option or wrapped length item option, it would have been obvious for one skilled in the art, at the time of the invention to provide display options that are selectable for choosing continuous length item or wrapped length item option. Schwartz has clearly taught the two elements and options of displaying text data in a portable device, where Schwartz merely has not provided these taught elements as display options in a menu. With Schwartz disclosing the desired options, and the features related to how wrapped length text and continuous length text is displayed in a display of a portable device, providing these features in a menu as a menu option have been obvious.

Referring to claims 19-27, Schwartz and NEDIT discloses displaying the menu structure by the interface on the mobile terminal, where allowing a user to select from the menu having one of continuous length item and the wrapped length item by providing an input choosing one of the options through the display menu for indicating the selection of one of the continuous length item and the wrapped length item (NEDIT, page 33, lines 11-18). NEDIT discloses that these menu options allow for the user to edit the currently displayed window, where according to the wrap options provided, selecting one of the continuous length item and wrapped length item would lead to the

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displaying of the text information according to the selection of the display option made in the Preferences menu (page 33, lines 11-18).

Referring to claim 28, Schwartz discloses a computing system including program instructions stored in a computer for execution (column 13, lines 35-45). Schwartz discloses a mobile phone terminal for displaying information via a browser (column 1, lines 17-25). Schwartz discloses a display for displaying the information (column 1, lines 15-17). Schwartz even further discloses that information elements that are displayed include elements that are longer than the width of display screen of the mobile terminal. Schwartz does disclose continuous length items and wrapped length items displayed in a menu. Schwartz discloses how text is displayed as wrapped length and text is displayed in continuous text formats in a portable device. The text elements described in Schwartz include a continuous length item presenting text in a length, which is greater than a horizontal size of the display of the portable device. Schwartz also describes text that is of wrapped length, the text being less than the horizontal size of the display. See column 1, line 37 to column 2, line 12. Although Schwartz does not disclose providing display menu options for the user to choose one of continuous length item option or wrapped length item option, it would have been obvious for one skilled in the art, at the time of the invention to provide display options that are selectable for choosing continuous length item or wrapped length item option. Schwartz has clearly taught the two elements and options of displaying text data in a portable device, where Schwartz merely has not provided these taught elements as display options in a menu. With Schwartz disclosing the desired options, and the features related to how wrapped

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length text and continuous length text is displayed in a display of a portable device, providing these features in a menu as a menu option have been obvious.

Referring to claim 31, Schwartz discloses that the mobile terminal has capabilities for receiving an electromagnetic signal embodied in a carrier wave, wherein carrying out the function through instructions provided (column 4, lines 10-20). Schwartz discloses a mobile terminal with a browser display means where information elements are displayed on the display of the mobile terminal (column 1, lines 17-20). Schwartz even further discloses that information elements that are displayed include elements that are longer than the width of display screen of the mobile terminal. Schwartz does disclose continuous length items and wrapped length items displayed in a menu. Schwartz discloses how text is displayed as wrapped length and text is displayed in continuous text formats in a portable device. The text elements described in Schwartz include a continuous length item presenting text in a length, which is greater than a horizontal size of the display of the portable device. Schwartz also describes text that is of wrapped length, the text being less than the horizontal size of the display. See column 1, line 37 to column 2, line 12. Although Schwartz does not disclose providing display menu options for the user to choose one of continuous length item option or wrapped length item option, it would have been obvious for one skilled in the art, at the time of the invention to provide display options that are selectable for choosing continuous length item or wrapped length item option. Schwartz has clearly taught the two elements and options of displaying text data in a portable device, where Schwartz merely has not provided these taught elements as display options in a menu. With

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Schwartz disclosing the desired options, and the features related to how wrapped length text and continuous length text is displayed in a display of a portable device, providing these features in a menu as a menu option have been obvious.

Response to Arguments

4. Applicant's arguments filed 12/5/06 have been fully considered but they are not persuasive.

The "EXAMINATION GUIDELINES FOR COMPUTER RELATED INVENTIONS" that have been relied upon by the Applicants are the guidelines that were distributed in 1996. The guidelines used for the current rejection are the interim guidelines distributed in November 2005. The interim guidelines supercede any previous guidelines and these interim guidelines are to be relied on over any earlier provided guidance. As per the current interim guidelines distributed in 2005, the claims must disclose functional descriptive material in combination with an appropriate computer readable medium. The computer readable medium must be a physical structure, not a signal, which permits the functionality disclosed in the claims to be realized with a computer. The interim guidelines can be accessed from the USPTO website (http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf).

The obviousness that is relied upon for the current rejection is based on taking into account what is obvious to one of ordinary skill in the art at the time the claimed invention was made. Furthermore, in view of what is already taught in Schwartz with reference to disclosing wrapped length display of text, continuous display of text and

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with Schwartz also disclosing providing user menu options through the device (column 2, lines 38-41), it would have been obvious to one of ordinary skill to provide the options already taught by Schwartz in a user menu which is also disclosed in Schwartz.

Therefore, Schwartz is familiar with providing menu of user options through the device of Schwartz. Furthermore, in view of distinct features that are disclosed in Schwartz combined with knowledge of one of ordinary skill in the art at the time the claimed invention was made, the obviousness of providing the wrapped length display of text and continuous display of text as options in the menu of user options would have been obvious. There is no requirement that an express motivation to combine must appear in prior art references before finding of obviousness. Allowing the user to choose between two options, where the user going from choosing the option of continuous length item and then choosing wrapped length item, reads on toggling between two options. Therefore, the user choosing two options, choosing one option, then the other option from the menu would read on toggling between the two items recited.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063.


All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
Assistant Examiner
Art Unit 2173
February 16, 2007



**RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173**